IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

RP.No. 794 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.20346/2007 Dated 24/07/2007

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: PETITIONERS/PETITIONERS

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1. C.V.KURUVILLA, S/O. VARKEY, AGED 71,
   B.COM F.C.A., CHARTERED ACCOUNTANT,
   HIGH COURT ROAD, ERNAKULAM, KOCHI-682 031.

2. MRS. MARY KURUVILLA, W/O. C.V.KURUVILLA,
   HIGH COURT ROAD, ERNAKULAM, KOCHI-682 031.

3. MARTIN KURUVILLA, S/O. C.V.KURUVILLA,
   HIGH COURT ROAD, ERNAKULAM, KOCHI-682 031.

4. MOHAN KURUVILLA, S/O. C.V.KURUVILLA,
   HIGH COURT ROAD, ERNAKULAM, KOCHI-682 031.

5. MANJU KURUVILLA, D/O. C.V.KURUVILLA,
   HIGH COURT ROAD, ERNAKULAM, KOCHI-682 031.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA, REP. BY ITS
   CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

2. THE COMMISSIONER/DEPUTY COMMISSIONER,
   (LAND REVENUE), OLD BOARD OF REVENUE BUILDINGS,
   MUSEUM ROAD, TRIVANDRUM.

3. SPECIAL TAHSILDAR (LA),
   COCHIN REFINERIES LTD., VYTTILA, TRIPUNITHURA PO.,
   ERNAKULAM DISTRICT.

4. THE SECRETARY TO REVENUE,
   SECRETARIAT, TRIVANDRUM.

5. THE SECRETARY,
INFORMATION TECHNOLOGY DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

6. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, ERNAKULAM.

7. INFO PARK,
KERALA INFO PARK, KUSUMAGIRI POST,
KAKKANAD, KOCHI-30, REP. BY ITS REGISTRAR.

BY GOVT.PLEADER SRI.T.G. SUNIL R1 TO R6

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

R.P No. 794 of 2007 in W.P.(C) No. 20346 of 2007

&

R.P. No. 798 of 2007 in W.P.(C) No. 15026 of 2007

Dated this the 18th day of August 2007

ORDER

The main ground raised by the review petitioners in both the review petitions is that the Land Acquisition Officer deliberately filed a false affidavit before this Court to the effect that award notice was served to the review petitioners.

In the counter-affidavit filed for and on behalf of the 3rd respondent, it was stated that notices under Section 9(3) were issued to the review petitioners calling upon them to appear for an enquiry for passing the award. In fact issuance of such a notice was admitted by them in the writ petition itself. The review petitioners have got a case that without issuing any further notice, the Land Acquisition Officer had issued notice under Section 15(3) of the L.A. Act informing the review petitioners that their land will be taken possession. According to them Ext.P12 notice was issued without any date and Ext.P13 notice was issued on 21-2-1007 informing the review petitioners that their land will be taken possession on 1-3-2007. They are produced notices issued to them under Section 12(2) of the L.A.Act dated 27-7-2007 along with the review petitions and contended that the Land Acquisition Officer tried to take possession of

land without invoking provisions of Section 17(1) and without passing the award and also on that ground alone, the entire proceedings are liable to be quashed. Even if the entire statements are correct the remedy available to the review petitioners is by way of appeal and not by way of review petition. So after recording the submissions of the learned counsel for the review petitioners this review petitions are closed.

K.PADMANABHAN NAIR,JUDGE

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